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International Court of Justice

[4.]

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INTERNATIONAL MILITARY TRIBUNAL
NURNBERG, GERMANY
GB Exhibit 39
Filed

Miscellaneous No. 9 (1939)

DOCUMENTS

CONCERNING

GERMAN-POLISH RELATIONS

AND THE

OUTBREAK OF HOSTILITIES BETWEEN GREAT BRITAIN AND GERMANY ON SEPTEMBER 3, 1939

Presented by the Secretary of State for Foreign Affairs to Parliament by Command of His Majesty

B 043283

LONDON
PRINTED AND PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE
To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
York House, Kingsway, London, W.C.2 : 120 George Street, Edinburgh 2;
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1939

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Art. 6. The present Agreement shall be concluded for a period of ten years on the understanding that, in so far as one of the Contracting Parties does not give notice of termination one year before the end of this period, the period of validity of this Agreement shall automatically be regarded as prolonged for a further period of five years.

Art. 7. The present Agreement shall be ratified within the shortest possible time. The instruments of ratification shall be exchanged in Berlin. The Agreement takes effect immediately after it has been signed.

For the German Reich Government:
RIBBENTROP.

For the Government of the Union of Soviet Socialist Republics:
MOLOTOV.

Moscow, August 23, 1939.

No. 62. GB-50

Mr. F. M. Shepherd to Viscount Halifax.

(Telegraphic.) *Danzig, August* 26, 1939.

FOLLOWING is translation of decree of Senate dated 23rd August:—

"*Decree: Article* 1.—Gauleiter of Danzig is Head of State ('Staatsoberhaupt') of the Free City of Danzig.

"*Article* 2.—This decree comes into force on 23rd August, 1939."

Following are translations of letters dated 24th August (*a*) from President of Senate to Herr Forster, and (*b*) of latter's reply:—

"(*a*) At its meeting yesterday the Senate passed a resolution according to which you have been declared Staatsoberhaupt of the Free City of Danzig as from yesterday. A copy of the certified resolution is enclosed. In addition, a legal decree has been prepared to-day and signed making the above-mentioned resolution of the Senate operative. By means of these two acts of the Government the Danzig Constitution has been altered in the above-mentioned sense. The Senate has authorised me to request you, Herr Gauleiter, to accept this office forthwith in order in these difficult but wonderful last decisive days outwardly to give expression to the unity between party and State, which has so often been stressed and which inwardly has always existed.

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"(*b*) I have taken cognisance of the contents of your letter of the 24th instant and of the enclosed certified copy of the decree regarding the Staatsoberhaupt of the Free City of Danzig of 23rd August, 1939, and of the copy of the Senate's resolution of the 23rd August, 1939, which was also enclosed. It, of course, goes without saying that in my capacity as Leader of the N.S.D.A.P. of the Danzig district I am prepared in days which are so fateful for Danzig also to conduct the affairs of the State. With this decree promulgated on the 23rd August, 1939, a state of affairs is officially sanctioned which, since the accession to power by the National Socialists in 1933, has in practice been in force."

No. 63.

Sir H. Kennard to Viscount Halifax.

(Telegraphic.) *Warsaw, August 24, 1939.*

FOLLOWING is translation of Polish note to the Danzig Senate :—

"Herr Staatsrat Boettcher to-day informed Councillor of the Polish Commissariat-General of the resolution of the Senate of the Free City conferring on Gauleiter Forster the functions and position of the head of the State ('Staatsoberhaupt') of the Free City, this being confirmed in to-day's Danzig press. I address myself to the Senate of the Free City as the body which, in accordance with the legally binding Constitution of the Free City, exercises supreme authority in that territory, in order to make on behalf of my Government the following declaration :—

"My Government sees no legal foundation for the adoption by the Senate of the Free City of a resolution instituting a new State function for which there is no provision whatever in the Constitution of the Free City, and to which, as would appear, the authorities hitherto functioning in the Free City would be subordinated. The Polish Government reserve the right to adopt a further attitude in this respect.

"In this connexion the Polish Government consider it necessary to remind the authorities of the Free City that they have already more than once warned the Senate of the Free City in the most decisive fashion against a policy of *fait accompli*, the consequence of which might be most serious and the responsibility for which would fall exclusively upon the authorities of the Free City of Danzig."

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OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

EVIDENCE DIVISION

Date: 2 August 1948

I certify that Document Number TC-42-62 was introduced into evidence as Exhibit Number GB-50 in the Trial by the International Tribunal of Hermann GOERING, et al, which commenced on 20 November 1945, and that the attached photostat is a true and correct copy of the original.

Fred Niebergall

FRED NIEBERGALL
Chief, Document Control Branch

DCB-36 (10247)

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C E R T I F I C A T E

I hereby certify that the annexed document TC-72-62 No. GB-50 is a photostat of an original document submitted in evidence by the British Prosecution under this number. The original document has been withdrawn in accordance with Rule 10 of the International Military Tribunal, and to the best of my knowledge and belief is to be held at the OCCWC Evidence Library, Palace of Justice, Nuremberg

Paul Joosten

PAUL A. JOOSTEN

General Secretary
International Military Tribunal

Nuremberg, 28 July 1948

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GB-50

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GB 50 vide GB 34

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